

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-14-00548-CV

M&M Orthodontics, P.A., and Harlingen Family Dentistry, Appellants

v.

Texas Health and Human Services Commission; Dr. Kyle Janek, in his Official Capacity as the Executive Commissioner of Texas Health and Human Services Commission; Carole Hurley, Chief Administrative Law Judge for the Texas Health and Human Services Commission; Judge Keith Grantham of the Appeals Division Texas Health and Human Services Commission; and Rick Gilpin, Administrative Law Judge of the Appeals Division Texas Health and Human Services Commission, Appellees

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 345th JUDICIAL DISTRICT
NO. D-1-GN-14-001109, HONORABLE TIM SULAK, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellees Texas Health and Human Services Commission; Dr. Kyle Janek, in his Official Capacity as the Executive Commissioner of Texas Health and Human Services Commission; Carole Hurley, Chief Administrative Law Judge for the Texas Health and Human Services Commission; Judge Keith Grantham of the Appeals Division Texas Health and Human Services Commission; and Rick Gilpin, Administrative Law Judge of the Appeals Division Texas Health and Human Services Commission have filed an unopposed motion to dismiss the appeal. The appellees have advised the Court that the underlying administrative actions that were pending against appellant M&M Orthodontics and appellant Harlingen Family Dentistry in the HHSC Appeals

Division have been nonsuited and dismissed, rendering moot the issues raised by appellants in their appeal. *See* Tex. R. App. P. 42.3(a).

We conclude, based on our review of the appellees' motion and the record, that the appeal has become moot. "If a case is or becomes moot, the court must vacate any order or judgment previously issued and dismiss the case for want of jurisdiction." *Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 162 (Tex. 2012). Accordingly, we vacate the trial court's judgment signed on August 7, 2014, and dismiss this appeal as moot. We also dismiss all other pending motions as moot.

David Puryear, Justice

Before Justices Puryear, Goodwin, and Field

Vacated and Dismissed for Want of Jurisdiction

Filed: January 30, 2015